



PATENT
Docket No. 219002029100

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on February 24, 2003.


Ruth M. Saskowski

TECH CENTER 1600/2900

MAR 10 2003

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gregory LUEDTKE, *et al.*

Serial No.: 09/989,991

Filing Date: 20 November 2001

For: INDOLE-TYPE INHIBITORS OF p38
KINASE

Examiner: Celia C. Chang

Group Art Unit: 1625

AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 24 December 2002, time for response to which was set to expire 24 January 2003. A petition for an extension of time of one (1) month until 24 February 2003 is attached hereto, along with the required fee. Restriction was required.

Applicants hereby elect to prosecute the invention of group VII, claims 38-39, drawn to heterocyclic spiro compounds. It is noted that claims 35-37 will also be prosecuted along with these claims to the extent of the elected invention.

An election of species was also required and applicants elect to prosecute the species of claim 39.

This election is made without traverse and prosecution on the merits is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 219002029100.

Respectfully submitted,

Dated: February 24, 2003

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125